

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**GLENN A. HENKE and LINDA KLUNER,** )

**Plaintiffs** )

**v.** )

**ARCO MIDCON, LLC, MAGELLAN  
PIPELINE COMPANY, L.P., and WILTEL  
COMMUNICATIONS, L.L.C.,** )

**Defendants.** )

**Case No. 4:10-CV-00086**

**The Honorable Henry E. Autrey**

**DEFENDANTS' MOTION TO EXTEND DEADLINES BY CONSENT**

Defendant ARCO Midcon LLC ("ARCO Midcon"), on behalf of all defendants and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, moves this Court for an extension of the expert disclosures deadlines and all remaining deadlines in the Case Management Order by Consent. In support of their request, Defendants state as follows:

1. This case is a putative class action seeking to certify a statewide class, and the Court's original Case Management Order was entered on January 27, 2011. The Court previously extended its Case Management Order on two occasions at Plaintiffs' request by consent. (*See* Court's Order entered June 16, 2011 and July 22, 2011.)

2. Since the entry of the Court's scheduling order, discovery has been ongoing, several depositions have been completed, and the parties were also involved in motion practice with regard to the Motion to Deny Class Certification, upon which the Court ruled and denied on September 22, 2011.

3. The next deadline pending under the current scheduling order is Defendants' Expert Disclosures, which are currently due on January 6, 2012. The parties are also working to complete additional discovery, including the depositions of the two named plaintiffs.

4. Due to the nature of the issues presented and certain scheduling difficulties encountered by Defendant ARCO Midcon, Defendants seek additional time in order to present its expert disclosures. In addition, Plaintiffs' counsel advised Defendants that the named plaintiffs (Glenn Henke and Linda Kluner) are not available for deposition until January 24, 2012, and Defendant would like to complete these depositions in advance of its expert disclosures.

5. Defendants request that this Court extend by sixty (60) days the deadlines for their expert disclosures and, as a result, that the remaining deadlines likewise be extended. Defendants request that the Case Management schedule be amended as follows:

	<i><b>Proposed New Deadline</b></i>
Defendants' Expert Disclosure Deadline	March 6, 2012
Defendants' Experts Tendered for Deposition	April 17, 2012
Completion of all Class Certification Discovery	April 17, 2012
Class Certification Motion Filed	June 20, 2012
Opposition Briefs to Certification Motion	July 20, 2012
Reply Brief to Certification Motion	August 21, 2012

6. This motion is unopposed. Counsel for Plaintiffs (John Campbell) has consented to this requested extension of sixty days by email correspondence dated December 27, 2011. Counsel for Magellan and Wiltel (Richard Modin) is also in agreement with this request.

WHEREFORE, Defendant respectfully request this Court grant its Motion for an Extension of the Case Management Order and enter an Order extending the deadlines by sixty days as set forth in this Motion.

Dated: December 29, 2011

Respectfully submitted,

SQUIRE, SANDERS & DEMPSEY (US) LLP

By: /s/ Sharon Doherty Sirott

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 30, 2011, a copy of the foregoing *Defendants' Motion to Extend Deadlines By Consent* was electronically filed. Notice of this filing will be sent to counsel of record for all parties by operation of the Court's Electronic Case Filing system. Parties and their counsel may access this filing through the Court's Electronic Case Filing system.

/s/ Sharon Doherty Sirott